IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

PETITION NO.52 OF 2007.

Re : Jagadish D. Hinduja . . . . . Debtor.

Ex-parte :-

Paresh Kapadia . . . . . Petitioning Creditor.

Mr. C. A. Shukla, i/by. B. S. Chandnani, Advocate for Petitioning Creditor.

Debtor absent though served.

CORAM : A.M.KHANWILKAR J.
NOVEMBER 27, 2007.

P. C.

1. The present Petition is founded on the decree passed by the Court against debtor on 24th August 2005 in Summary Suit No. 2709 of 2003. As the debtor failed to pay the amount, Insolvency Notice No. N-332 of 2006 dated 24th January 2007 was issued, which was duly served on the debtor on 20th February 2007. Inspite of service, debtor failed to pay the decretal amount. In that sense, act of insolvency was completed on 28th March 2007.

2. As the debtor failed to pay the amount or offer any explanation for non-payment, Petitioning Creditor has had no option but to take out the present action, which has been filed on 12th June 2007. The debtor has been duly served personally on 24th October 2007. Inspite of such service, none appears for the debtor. No reply has been filed. As no explanation has been offered on behalf of the debtor, Petition ought to succeed in terms of prayer clauses (a) and (c).

(a) That this Hon'ble Court may be pleased to make an order of adjudication against the Debtor.

(c) And the cost of the order of adjudication be provided for.

. Ordered accordingly.

A. M. KHANWILKAR, J.